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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 DARREL PATRICK WILLIS,

12 Plaintiff,

13 v.

14 NICK KISER, et al.,

15 Defendants.

16 CASE NO. 3:17-cv-05373-BHS-JRC

17 ORDER GRANTING STAY

18 The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States
19 Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local
20 Magistrate Judge Rules MJR1, MJR3 and MJR4.

21 Plaintiff Darrel Patrick Willis, proceeding *pro se*, filed this § 1983 action on May 18,
22 2017. Dkt. 1. The Court screened plaintiff's action and found that his suit was barred under *Heck*
23 because it sought recovery for an allegedly unlawful conviction before plaintiff proved his
24 conviction was unlawful through state and federal habeas proceedings. Dkt. 11. Pursuant to the
Court's order, plaintiff filed an amended complaint. Dkt. 15. However, he also included a

1 petition for habeas corpus under the same cause number. Dkt. 16. He subsequently filed
2 amended versions of both of these pleadings. Dkts. 17, 18.

3 The Court ordered that plaintiff's habeas petition be re-docketed with its own cause
4 number. Dkt. 21. It further ordered that plaintiff file an amended complaint -- voluntarily dismiss
5 his § 1983 action -- or move the Court to stay this action pending the outcome of his petition for
6 habeas relief. *Id.* Plaintiff filed a second amended complaint and a motion to stay the action.
7 Dkts. 23, 25. Defendants have not yet been served with plaintiff's complaint.

8 Therefore, it is ORDERED:

- 9 1) Plaintiff's § 1983 action is stayed until March 6, 2018, pending the resolution of his
10 habeas petition (3:17-cv-05772-RJB-JRC).
- 11 2) Plaintiff shall file a status report and a motion to extend the stay on or before
12 February 20, 2018 -- fourteen days before the stay ends. Plaintiff's report shall inform
13 the Court of the status of his habeas proceedings. Plaintiff's failure to file a status
14 report and motion to extend the stay will result in the stay expiring and plaintiff's
15 action moving forward.
- 16 3) Should the District Court terminate review of plaintiff's habeas petition before
17 February 20, 2018, either by granting or denying the petition, plaintiff will inform the
18 Court and file a motion to lift the stay within 30 days of the District Court's action.
- 19 4) The Clerk is directed to note the February 20, 2018 due date on the Court's calendar.

20 Dated this 6th day of December, 2017.

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23 J. Richard Creatura
United States Magistrate Judge
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